

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LEANDER J. GREGG,

Plaintiff,

v.

CORRECT CARE SOLUTIONS,
OFFICER NICHOLAS KERNS,
OFFICER DANIEL OATES
and DAVID PETERSON,

Defendants.

ORDER

19-cv-133-bbc

On June 3, 2020, I entered an order granting defendants' motion to dismiss plaintiff LeAnder J. Gregg's claims without prejudice for his failure to exhaust his administrative remedies before filing suit. Dkt. #60. Plaintiff has filed a notice of appeal, dkt. #62, along with a letter requesting his transcripts to be paid for under the Criminal Justice Act, dkt. #66, and a transcript request form, dkt. #68. I construe plaintiff's request as a motion for a proceeding transcription at government expense pursuant to 28 U.S.C. § 753(f). The request will be denied without prejudice.

Under 28 U.S.C. § 753(f), a party proceeding in forma pauperis is entitled to a free transcript only after the "trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal." There have been no hearings in this case except for the telephone preliminary pretrial conference conducted by United States Magistrate Judge Stephen Crocker on

October 30, 2019. Plaintiff has not explained how the transcript of the preliminary pretrial conference is relevant to the issues he intends to raise on appeal. Because it does not appear that plaintiff is raising a potentially meritorious challenge to something that occurred during that particular proceeding, I will not ask the government to pay the costs of transcribing the preliminary pretrial conference.

ORDER

IT IS ORDERED that plaintiff LeAnder J. Gregg's motion for transcription of the preliminary pretrial conference at government expense pursuant to 28 U.S.C. § 753(f), dkt. #68, is DENIED without prejudice.

Entered this 4th day of September, 2020.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge